

HOUSE BILL 3215

By Cobb

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 29 and Title 70, relative to the Tennessee
wildlife resources commission.

WHEREAS, the Tennessee wildlife resources commission sets policies for the
Tennessee wildlife resources agency, using scientific and empirical evidence to determine the
best way to foster a stable wildlife population; and

WHEREAS, the management of Tennessee wildlife populations is critical not only to
sportsmen but also to the state as a whole; and

WHEREAS, the Tennessee wildlife resources agency is funded by sportsmen who
purchase hunting and fishing licenses and by federal excise taxes that are based largely on the
number of licenses purchased; and

WHEREAS, the large majority of sportsmen in this state engage in hunting and fishing to
enrich their lives and not as an occupation; and

WHEREAS, the Tennessee wildlife resources commission would better serve sportsmen
in Tennessee if its membership included a greater number of persons with a keen interest in
hunting and fishing who engage in such activities to supplement their food resources rather than
primarily as sport or a recreational activity; and

WHEREAS, the Tennessee wildlife resources commission would benefit from a diverse
range of hunting, fishing and conservation enthusiasts in its membership; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

(a) Tennessee Code Annotated, Section 70-1-201(a), is amended in the first
sentence by deleting the language "the commissioner of environment and conservation,
the commissioner of agriculture" and by substituting instead the following language "the

commissioner of environment and conservation, or the commissioner's designee, the commissioner of agriculture, or the commissioner's designee".

(b) Tennessee Code Annotated, Section 70-1-201(a), is further amended by adding the following language between the first and second sentences of such subsection:

Any designee of either the commissioner of environment and conservation or the commissioner of agriculture shall be a non-voting member of the commission.

(c) Tennessee Code Annotated, Section 70-1-201(a), is further amended in the first sentence by deleting the language "eleven (11) citizens of the state" and by substituting instead the language "nine (9) citizens of the state".

(d) Tennessee Code Annotated, Section 70-1-201(a), is further amended by deleting in the second sentence the language "Nine (9) of these citizens" and by substituting instead the language "Seven (7) of these citizens".

SECTION 2.

(a) Tennessee Code Annotated, Section 70-1-201(c), is amended by deleting the language "Three (3) of the members" and by substituting instead the language "Two (2) of the members".

(b) Tennessee Code Annotated, Section 70-1-201(c), is further amended by adding the following language between the first and second sentences of such subsection:

One (1) member shall serve as an at-large member and shall hold no geographical representation.

SECTION 3. Tennessee Code Annotated, Section 70-1-202(a), is amended by deleting the language "and not more than six (6) called meetings during any one (1) year".

SECTION 4. Tennessee Code Annotated, Section 70-1-202(a), is further amended by adding the following language between the first and second sentences of such subsection:

Emergency meetings may be called by the chair on the chair's own initiative or upon petition by a majority of the commission. Emergency meetings may be called only if

such meetings comply with the requirements set out in rules promulgated by the commission pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 5. Tennessee Code Annotated, Section 70-1-204, is amended by adding a new subsection thereto, as follows:

(f) The position of any member shall become vacant when a citizen member misses, without good cause, three (3) consecutive meetings of the commission. An absence shall be deemed excused if caused by a health problem or condition verified in writing by a physician, or by an accident or similar unforeseeable tragedy or event prior to or at the time of the next commission meeting.

SECTION 6. Tennessee Code Annotated, Section 70-1-201, is amended by adding the following new subsections thereto:

(f)

(1) It is the intent of the general assembly that the membership of the commission should represent the average sportsmen in Tennessee whose purchase of hunting and fishing licenses support the agency. Three (3) of the members of the commission appointed by the governor shall be from lists of nominees submitted by organizations representing persons who enjoy outdoor activities involving wildlife, including fishing, hunting, wildlife conservation and the taking of waterfowl.

(2) An organization must have at least fifty (50) members and have been in existence for at least five (5) years in order to be eligible to submit nominees. Provided however, no member shall be nominated by a nonprofit organization or its affiliates that have any financial partnership with the wildlife resources agency. Nor shall a nonprofit organization, the majority of whose membership is

comprised of employees of the wildlife resources agency, be eligible to submit nominees.

(3) Each list shall contain a minimum of three (3) times as many names as the number of appointments to be made. A list of nominees shall be submitted at least forty-five (45) days prior to the expiration of the term of office of a member of the commission. A list of nominees for a vacancy of a member appointed by the governor shall be submitted as soon as practicable in order to give the governor an opportunity to review such nominees before making an appointment to fill such vacancy.

(g) A commissioner shall have had:

(1) A hunting and sport fishing license for not less than four (4) years immediately prior to such person's appointment; and

(2) Have been a resident of Tennessee for no less than five (5) years prior to such person's appointment.

SECTION 7. Tennessee Code Annotated, Section 70-1-204(d), is amended in the second sentence by deleting the word "consecutive".

SECTION 8. Members currently holding appointments on the commission shall serve their full terms. As vacancies occur, new appointments filled by the governor shall be made in accordance with this act. Initial appointments by the governor shall be made pursuant to § 70-1-201(f).

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.